

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

FILED
9/14/2021 12:02 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021L009086

KIMBERLY A. KOHLER, Administrator Ad Pros
of the Estate of MARSADA MAE CONNORS,
deceased,

Plaintiff,

v.

CRST EXPEDITED, INC., d/b/a CRST THE
TRANSPORTATION SOLUTION, INC.,
CRST INTEGRATED SOLUTIONS, CRST
SPECIALIZED SOLUTIONS, CRST DEDICATED
SOLUTIONS-EAST, CRST DEDICATED SOLUTIONS
-WEST, CRST EXPEDITED SOLUTIONS,
CRST FLATBED, and BILL LARD,

Defendants.

No. 2021 L 009086

Calendar "Z"

EMERGENCY MOTION FOR A PROTECTIVE ORDER

Now comes the Plaintiff, KIMBERLY A. KOHLER, Administrator Ad Pros of the Estate of MARSADA MAE CONNORS, deceased, through her attorneys, CAVANAGH LAW GROUP, and respectfully moves this Honorable Court, pursuant to Illinois Supreme Court Rule 201(c)(1), to enter an order requiring Defendants, CRST EXPEDITED, INC. d/b/a CRST THE TRANSPORTATION SOLUTION, INC., CRST INTEGRATED SOLUTIONS, CRST SPECIALIZED SOLUTIONS, CRST DEDICATED SOLUTIONS-EAST, CRST DEDICATED SOLUTIONS-WEST, CRST EXPEDITED SOLUTIONS, and CRST FLATBED (hereinafter collectively referred to as "CRST EXPEDITED, INC.") and BILL LARD, and non-parties, ACE AMERICAN INSURANCE COMPANY, ILLINOIS STATE POLICE, and MCDOWELL'S TOWING SERVICES, to protect and preserve without alteration and perform no testing, destructive or otherwise, until further order of this Court, the following tangible items and

documents related to the August 20, 2021 motor vehicle crash on Interstate 70 near mile marker

55. In support of this Motion, Plaintiff states as follows:

1. On August 20, 2021, Plaintiff, MARSADA MAE CONNORS, was a passenger in a car traveling on Interstate 70 near mile marker 55 near Mulberry Grove, Illinois.

2. On August 20, 2021, Defendant, WILLIAM LARD, was operating a tractor-trailer on Interstate 70 near mile marker 55 when it crossed the center median and collided with the front of the 2008 Honda Odyssey occupied by MARSADA MAE CONNORS and COLE W. YOUNG.

3. Upon information and belief, Defendants, CRST EXPEDITED, INC. d/b/a CRST THE TRANSPORTATION SOLUTION, INC., CRST INTEGRATED SOLUTIONS, CRST SPECIALIZED SOLUTIONS, CRST DEDICATED SOLUTIONS-EAST, CRST DEDICATED SOLUTIONS-WEST, CRST EXPEDITED SOLUTIONS, and CRST FLATBED (hereinafter collectively referred to as "CRST EXPEDITED, INC.") and BILL LARD, and non-parties, ACE AMERICAN INSURANCE COMPANY, ILLINOIS STATE POLICE, and MCDOWELL'S TOWING SERVICES have possession of the 2020 Freightliner Semi Truck, Indiana License Plate 2875483, VIN No. 3AKJHHDRXLSP7388 and certain documents and tangible items related to this incident.

4. Upon information and belief, Defendants, CRST EXPEDITED, INC. d/b/a CRST THE TRANSPORTATION SOLUTION, INC., CRST INTEGRATED SOLUTIONS, CRST SPECIALIZED SOLUTIONS, CRST DEDICATED SOLUTIONS-EAST, CRST DEDICATED SOLUTIONS-WEST, CRST EXPEDITED SOLUTIONS, and CRST FLATBED (hereinafter collectively referred to as "CRST EXPEDITED, INC.") and BILL LARD, and non-parties, ACE AMERICAN INSURANCE COMPANY, ILLINOIS STATE POLICE, and MCDOWELL'S TOWING SERVICES have possession of the 2008 Honda Odyssey, New Jersey License Plate

M27NME, VIN No. 5FNRL38768B111070, and certain tangible items, including but not limited to the personal effects of MARSADA MAE CONNORS and COLE W. YOUNG.

5. In order to identify all possible individuals and entities that may have knowledge and/or responsibility for the injuries that Plaintiff sustained, and based upon the legal requirements of proof, the experience of counsel, and information and belief, Plaintiff's attorneys, CAVANAGH LAW GROUP, have a basis to conclude that there exists pertinent, germane, relevant, and essential documents and physical objects that bear on the responsibility of Defendants and possibly other individuals or entities that may be responsible for the injuries sustained by MARSADA MAE CONNORS and COLE W. YOUNG. Accordingly, Plaintiff requests Defendants, CRST EXPEDITED, INC. d/b/a CRST THE TRANSPORTATION SOLUTION, INC., CRST INTEGRATED SOLUTIONS, CRST SPECIALIZED SOLUTIONS, CRST DEDICATED SOLUTIONS-EAST, CRST DEDICATED SOLUTIONS-WEST, CRST EXPEDITED SOLUTIONS, and CRST FLATBED (hereinafter collectively referred to as "CRST EXPEDITED, INC.") and BILL LARD, and non-parties, ACE AMERICAN INSURANCE COMPANY, ILLINOIS STATE POLICE, and MCDOWELL'S TOWING SERVICES preserve, protect, and refrain from testing or altering the following evidence as it exists in its present condition, the following documents, and tangible evidence:

- a. Any and all personal effects of MARSADA MAE CONNORS, including, but not limited to, clothing, luggage, jewelry (rings), money, credit cards, mobile phones, tablets and computers;
- b. Any and all personal effects of COLE W. YOUNG, including, but not limited to, clothing, luggage, money, credit cards, mobile phones, tablets and computers;
- c. The 2020 Freightliner Semi Truck, operated by WILLIAM LARD, Indiana License Plate 2875483, VIN No. 3AKJHHDRXLSLP7388, at the time of the collision, until further notice;

- d. The 2008 Honda Odyssey operated by COLE W. YOUNG, New Jersey License Plate M27NME, VIN No. 5FNRL38768B111070, at the time of the collision, until further notice;
- e. Any and all reports, investigative reports, incident reports, supplemental incident reports, supplemental police reports, detective reports, or other reports, memorandum or documents pertaining to the August 20, 2021 incident involving MARSADA MAE CONNORS and COLE W. YOUNG, including but not limited to police reports, incident reports, statements (written, oral, video), cell phone records, and photographs;
- f. Any and all video footage from August 20, 2021, from 9:00 a.m. to 9:00 pm, including but not limited to footage from security/surveillance cameras, handheld cameras, Illinois State Police squad car dash camera video, Fayette County Sherriff squad car dash camera video, responding officers body camera video (Illinois State Police and Fayette County Sheriff), cell phones, iPads, or any other handheld device;
- g. Any and all dispatch audiotapes from the August 20, 2021 crash involving MARSADA MAE CONNORS and COLE W. YOUNG;
- h. Any and all statements, whether recorded, written, videotaped or audio taped, of any and all persons who witnessed the occurrence involving MARSADA MAE CONNORS and COLE W. YOUNG on August 20, 2021;
- i. The event data recorder (commonly referred to as the “black box”) for the vehicle 2008 Honda Odyssey New Jersey License Plate M27NME, VIN No. 5FNRL38768B111070 and the 2020 Freightliner Semi Truck, Indiana License Plate 2875483, VIN No. 3AKJHHDRXLSP7388, at the time of the August 20, 2021 incident;
- j. The front and back of BILL LARD’s daily logs and his co-driver’s logs (if any) for the day of the collision, and the 12 month period preceding the collision, together with all material required by 49 C.F.R. 395.8 and 395.15 for the driver(s) involved in the above matter together with the results of any computer program used to check logs as well as all results of any audit of the logs by your company or a third party. This specifically includes any electric on-board computers (AOBRD’s, EOBR’s, etc.) and the audit trail for those entries. We require you to put any vendor which stores or audits this information on notice of the need to preserve this data;
- k. Bills of lading for any shipments transported by the driver and co-driver, for the day of the collision and the thirty (30) day period preceding the collision;
- l. All documents normally used to determine whether a wreck was preventable or non-preventable, whether or not such determination was actually made in this case, to include but not be limited to:
 - i. The driver’s post-collision alcohol and drug testing results.
 - ii. Documents used to determine if the driver was on a cell phone or other electronic device at the time of the wreck.

- iii. Documents used to determine whether the driver was texting at the time of the wreck.
 - iv. Driver Log Audit and Violation Reports – Whether paper or electronic, whether daily, weekly, monthly, quarterly, cumulatively, and for all other time periods.
 - v. Reports electronically available through RAIR, JJ Keller, or other services.
- m. The GPS location data for six months prior to the wreck for the driver;
- n. All OmniTRAC, Qualcomm, MVPC, QTRACS, OmniExpress, TruckMail, TrailerTRACS, SensorTRACS, JTRACS, and other similar systems data for the six (6) months prior to the collision and the day of the collision, for this driver, BILL LARD, and the 2020 Freightliner Semi Truck tractor, Indiana License Plate 2875483, VIN No. 3AKJHHDRXLSLP7388, and trailer;
- o. Any computer data from the tractor or trailer to include but not be limited to: any data and printout from on-board recording devices, including but not limited to the ECM (electronic control module), any on-board computer, tachograph, trip monitor, trip recorder, trip master, Hours of Service (HOS) or other recording or tracking device for the day of the collision and the six (6) month period preceding the collision for the equipment involved in the collision;
- p. All existing driver vehicle inspection reports required under 49 C.F.R. 396.11 for the vehicle involved in the above collision, to include all existing daily inspection reports for the tractor and trailer involved in this collision;
- q. Any DOT or PSC reports, memos, notes or correspondence concerning BILL LARD or the 2020 Freightliner Semi Truck tractor, Indiana License Plate 2875483, VIN No. 3AKJHHDRXLSLP7388, or the tractor or trailer involved in this collision;
- r. All logs of activity (both in paper and electronic formats) on computer systems and networks that have or may have been used to process or store electronic data containing information about or related to safety and safety policies, the collision, the driver(s), the truck, the trailer, witnesses to the collision, the plaintiff(s), the load, the facts of the collision, preventability determinations, GPS data, Hours of Service (HOS) data, dispatcher data for this driver(s), this truck, and this trailer;
- s. Investigative reports, witness statements, photographs, videotapes, or other documents or materials related to the investigation of the August 20, 2021 occurrence;
- t. Any and all cell phones, cellular devices, and/or GPS devices in the possession of WILLIAM LARD on August 20, 2021; and
- u. Any and all cell phones, cellular devices, and/or GPS devices that were in the possession of WILLIAM LARD on August 20, 2021, but are now otherwise in the possession of CRST EXPEDITED, INC. d/b/a CRST THE TRANSPORTATION SOLUTION, INC., its affiliates and/or ACE AMERICAN INSURANCE COMPANY.

6. In order to properly and fairly prosecute this case, Plaintiff request that the aforesaid documents and tangible evidence be immediately preserved and maintained and that copies of said documents be made available to Plaintiffs' attorneys, Cavanagh Law Group within seven (7) days and that Plaintiff's counsel have access to the vehicles, items, and documents.

7. The parties shall report on the production status via email to Law.CalZcc@cookcountyil.gov on September 21, 2021.

WHEREFORE, Plaintiff, KIMBERLY A. KOHLER, Administrator Ad Pros of the Estate of MARSADA MAE CONNORS, deceased, through her attorneys, CAVANAGH LAW GROUP, requests relief pursuant to this Court's appropriate rules and authority as stated in the body of this motion.

Respectfully submitted,



Attorneys for Plaintiff

Timothy J. Cavanagh
Michael J. Sorich
Marc E. McCallister
CAVANAGH LAW GROUP
161 N. Clark St., Suite 2070
Chicago, IL 60601
(312) 425-1900
tjc@CavanaghLawGroup.com
mjs@CavanaghLawGroup.com
mem@CavanaghLawGroup.com
Firm I.D.: 45381